

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

MANUEL CALLOWAY AND DREW SILLER CALLOWAY	*	CIVIL ACTION NO. 18-0992
VERSUS	*	JUDGE TERRY A. DOUGHTY
COLOPLAST CORP. AND ABC INSURANCE CO.	*	MAG. JUDGE KAREN L. HAYES

REPORT AND RECOMMENDATION

Before the undersigned Magistrate Judge, on reference from the District Court, is defendant Coloplast Corp.'s alternative motion to dismiss [doc. # 30] plaintiffs' fourth amended complaint. By separate order, however, the undersigned denied plaintiffs' motion for leave to file their fourth amended complaint. Accordingly, not only is defendant's alternative motion superfluous, it also is unavailable. For this reason,

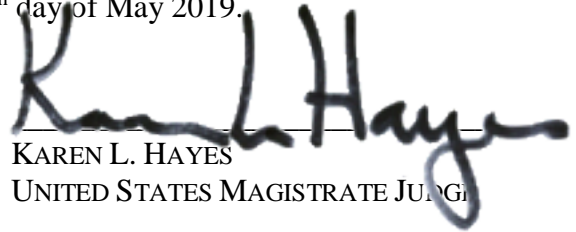
IT IS RECOMMENDED that Coloplast Corp.'s alternative motion to dismiss [doc. # 30], be DENIED.

Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed. R. Civ. P. 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS

**REPORT WITHIN FOURTEEN (14) DAYS FROM THE DATE OF ITS SERVICE
SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR,
FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL
FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.**

In Chambers, at Monroe, Louisiana, this 16th day of May 2019.



KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE